

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

BEAU RIVAGE RESORTS, INC.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07cv49WJG-JMR

BEL-AIRE PRODUCTIONS, INC., and
TARRAGON WEST ENTERTAINMENT, INC.

DEFENDANTS

BEL-AIRE PRODUCTIONS, INC.

CROSS-PLAINTIFF/CROSS-DEFENDANT

VERSUS

TARRAGON WEST ENTERTAINMENT, INC. CROSS-DEFENDANT/CROSS-PLAINTIFF

PARTIAL SUMMARY JUDGMENT

THIS CAUSE comes before the Court on the motion of Defendant Bel-Aire Productions, Inc., [Bel-Aire] [149-1], for partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Pursuant to the Memorandum Opinion entered in this cause, this date, incorporated herein by reference, it is therefore,

ORDERED AND ADJUDGED that Defendant Bel Aire's motion for partial summary judgment [25-] on Tarragon West Entertainment, Inc.'s [Tarragon], claims be, and is hereby, granted in part and denied in part. It is further,

ORDERED AND ADJUDGED that Defendant Bel Aire's motion for partial summary judgment on the Tarragon's claim for unjust enrichment be, and is hereby, granted and the claim for unjust enrichment is hereby dismissed. It is further,

ORDERED AND ADJUDGED that Defendant Bel Aire's motion for partial summary judgment on Tarragon's claims for breach of contract, breach of the duty of good faith and fair dealing and conversion be, and is hereby, denied. It is further,

ORDERED AND ADJUDGED that each party shall bear their respective costs associated with this motion.

SO ORDERED AND ADJUDGED, this the 20th day of August, 2008.

Walter J. Fox III

UNITED STATES SENIOR DISTRICT JUDGE